

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
TUESDAY, APRIL 26, 1994  
AT 9:00 A.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 11:10 a.m. Mayor Golding recognized and welcomed students from Franklin Elementary School.

Mayor Golding simultaneously convened the Redevelopment Agency meeting with the regular meeting at 11:24 a.m. Mayor Golding adjourned the meeting at 11:36 a.m. to convene the Housing Authority and to reconvene the regular meeting at 3:00 p.m.

The meeting was reconvened by Mayor Golding at 4:11 p.m. with Council Members Mathis, Roberts, Warden and McCarty not present. Mayor Golding announced that the Port Commission approved the request for an MOU between the City of San Diego and the Port District for the convention center expansion. Mayor Golding also announced that the Mayor's Hotline, 570-1100, was initiated again on Tuesday, April 26, 1994 at 9:00 a.m. The meeting was adjourned by Mayor Golding at 6:23 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Roberts-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present
- Clerk-Fishkin (pii/mc)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Fishkin called the roll:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Roberts-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

ITEM 20: PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Isabel, student from Franklin Elementary School.

FILE LOCATION: MINUTES

PUBLIC COMMENT:

None.

COUNCIL COMMENT:

None.

ITEM-310: REQUEST FOR HEARING DENIED

SUBJECT: Request by W. Kendall Melville, et al, for a hearing of an appeal from the decision of the Planning Commission in approving the permit for the Frankville/Kaya Residence.

(CDP-93-0527. La Jolla Community Area. District-1.)

A motion either granting or denying the request for a

hearing of the appeal.

SUPPORTING INFORMATION:

The permit is being requested to demolish an existing single-family residence and construction of a new, two-story, 5,593-square-foot single-family residence with pool, tennis court and garden walls at 2318 Vallecitos Drive in the Single-Family Zone of the La Jolla Shores Planned District, within the La Jolla Community Plan Area.

The subject property is more particularly described as Lot 5, La Jolla De Norte, Map-2701.

The Planning Department recommended approval of the permit; was opposition. The Planning Commission voted 6-1 to approve the permit. The La Jolla Community Planning Association has recommended approval of the permit. The La Jolla Shores Advisory Board has recommended denial of the permit.

FILE LOCATION: PERM-CDP-93-0527

COUNCIL ACTION: (Tape location: A058-091.)

MOTION BY MATHIS TO DENY REQUEST FOR HEARING OF THE APPEAL. Second by McCarty. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-330:

SUBJECT: Matter of a Local Coastal Plan (LCP) Amendment, Vesting Tentative Map (VTM), Planned Residential Development (PRD) Permit, Rezone (RZ), and a Coastal Development Permit (CDP) to allow subdivision of a 36.3-acre site into 90 lots for the development of 90 single-family homes.

(Monarch Point VTM/PRD/RZ/CDP-87-1038. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt Subitem A; introduce Subitem B; and adopt Subitems C and D to approve the permits and map; if Subitems C & D are adopted, approve Subitem E:

Subitem-A: (R-94-1449) ADOPTED AS RESOLUTION R-283760

Adoption of a Resolution certifying that the information contained in Environmental Impact Report DEP-87-1038 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council and adopting appropriate findings of mitigation, feasibility or project alternatives and statement of overriding considerations pursuant to California Public Resources Code Section 21081.

Subitem-B: (O-94-94) INTRODUCED, TO BE ADOPTED ON MAY 9, 1994

Introduction of an Ordinance to rezone from A-1-10 Zone to R1-5000 Zone.

Subitem-C: (R-94-1764) ADOPTED AS RESOLUTION R-283761  
GRANTING PERMITS

Adoption of a Resolution granting or denying the proposed PRD/CDP permits, with appropriate findings to support Council action.

Subitem-D: (R-94-1765) ADOPTED AS RESOLUTION R-283762  
GRANTING MAP

Adoption of a Resolution granting or denying the Vesting Tentative Map VTM-87-1038 (including a consideration of interim habitat loss), with appropriate findings to support Council action.

Subitem-E: (R-94-1766) ADOPTED AS RESOLUTION R-283763

Adoption of a Resolution amending the Local Coastal Plan to reflect the changes proposed by the permits and map.

SUPPORTING INFORMATION:

The rezone proposes to change the zone from A-1-10 (Agriculture, 10 acre minimum lot size) and Hillside Review (HR) Overlay Zone to R1-5000 (Single Family Residential, 5,000-square-foot minimum lot size) and Hillside Review (HR) Overlay Zone. This action also includes a consideration of interim habitat loss.

LEGAL DESCRIPTION:

Located south of Sorrento Valley Boulevard and west of Camino Santa Fe, and described as a portion of the northeast quarter of the northwest quarter of Section 34, Township 14 South, Range 3 West, SBM, in the A-1-10 (proposed R1-5000) Zone.

FILE LOCATION:                   SUBITEM A AND E: PERM-PRD 87-1038;  
                                  SUBITEM B: None; SUBITEM C: PERM-PRD/CDP  
                                  87-1038; SUBITEM D: SUBD-Monarch Point

COUNCIL ACTION:               (Tape location: A092-115.)

Hearing began at 11:15 a.m. and halted at 11:18 a.m.

MOTION BY WARDEN TO ADOPT SUBITEM A; INTRODUCE SUBITEM B; ADOPT SUBITEMS C AND D TO APPROVE PERMITS AND MAP AND ADOPT SUBITEM E. Second by McCarty. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-331:

SUBJECT: Exemption of a Council Representative Position from the Classified Service.

(See Personnel Director's memorandum dated 12/16/93.)

COUNCILMEMBER MATHIS' RECOMMENDATION:

Introduce and adopt the following ordinance:

(O-94-96) INTRODUCED AND ADOPTED AS ORDINANCE O-18067 (New Series)

Introduction and adoption of an Ordinance amending Ordinance O-17807 (New Series), as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1993-94 and Appropriating the Necessary Money to Operate the City of San Diego for said Fiscal Year" by amending Document No. 00-17807, as amended and adopted therein, by amending the personnel authorization of Council District 1 (021) by exempting one (1.00) Council Representative I position from the Classified Service, and establishing a salary rate.

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NOTE: See Item 202 on the regular docket of Monday, April 25, 1994, for the first public hearing. Today's action is the second public hearing for the introduction and adoption of the Ordinance.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A116-119.)

MOTION BY McCARTY TO INTRODUCE, DISPENSE WITH THE READING AND ADOPT ORDINANCE. Second by Vargas. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-332:

SUBJECT: Fund Transfers for Ozark Street/Bay Terraces Community Park Improvements.

(Bay Terraces Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1396) ADOPTED AS RESOLUTION R-283764

Authorizing the transfer of \$100,000 of TransNet Funds Fund No. 30300, that are remaining from the completed Imperial Avenue I Improvements Project CIP-39-252.0, to the Ozark Street I-Public Improvements Project CIP-39-255.0;

Modifying the Fiscal Year 1994 Capital Improvements Program CIP Budget by adding CIP-29-810.0, Bay Terraces Community Park, and by adding CIP-37-006.0, Euclid Community Resource Center;

Authorizing and accepting the transfer of \$200,000 of Capital Outlay funds from the Ozark Street I-Public Improvements Project CIP-39-255.0, Fund No. 30245 to Bay Terraces Community Park CIP-29-810.0;

Authorizing and accepting the transfer of \$80,000 of Capital Outlay funds from Ozark Street I-Public Improvements Project CIP-39-255.0, Fund No. 30245 to

the Euclid Community Resource Center CIP-37-006.0;

Authorizing the reprogramming of \$80,000 of Community Development Block Grant CDBG funds from the Euclid Community Resource Center CIP-37-006.0, Fund No. 18529, Dept. 4042, Org. No. 4228, to Fund 18529, Dept. 4041, Org. No. 4110, and the reallocation and transfer of these funds to the Ozark Street II-Private Improvements Project CIP-39-255.0, Fund No. 98774;

Authorizing SEDC to expend up to \$160,000 of CDBG funds for the Ozark Street II-Private Improvements Project from Fund No. 18529, Dept. 4041, Org. No. 4110 - \$80,000, and Fund No. 18528, Dept. 4022, Org. 2206 - \$80,000.

CITY MANAGER SUPPORTING INFORMATION:

On January 27, 1994, the SEDC Board of Directors approved staff's recommendation to request that the City Council/Redevelopment Agency authorize several fund transfers and budget amendments which would allow for additional improvements for Bay Terraces Park and the sewer connections and improvements of the Ozark Street II Improvements Project.

Aud. Cert. 9400965.

NOTE: See the Redevelopment Agency Agenda of Tuesday, April 26, 1994 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A120-193.)

MOTION BY STEVENS TO ADOPT. Second by Mathis. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-333: PRESENTED

Presentation of the City Manager's Fiscal Year 1995 Proposed Budget to the Mayor and City Council.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D292-E125.)

ITEM-334:

SUBJECT: Multiple Species Conservation Program - Preserve  
Alternative.

(Docketed per Council direction at the meeting of April  
12, 1994, Item 334.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1564 Rev.1) ADOPTED AS AMENDED AS RESOLUTION  
R-283765

Approving Mayor Susan Golding's alternative for a  
preserve for the Multiple Species Conservation Program  
(MSCP) and establishing the following criteria for the  
creation of the preserve:

- 1) Habitat acreage of 155,000 to 165,000 with a cost  
of \$450-650 million.
- 2) Preserving 70-80% of the biological core areas and  
50-60% of the corridors.
- 3) Protecting 41 priority species and beneficially  
affecting 59 total species.

Adopting the following process for achieving the  
criteria:

- 1) Draw hard lines around a preserve system within the  
City of San Diego.
- 2) Use the biological cores and linkages map.
- 3) Start with all land shown on the Public Lands  
Alternative Map, which includes all public and  
privately dedicated habitat lands and linkages.
- 4) Include all lands shown as open space in updated or  
existing community, general plans and proposed project  
plans.
- 5) Add the habitat required for the protection of all  
Federal and State listed species, species proposed for  
listing and, category 1 Candidate species.
- 6) Provide for contiguity and configuration through  
the application of specific sufficiency standards.
- 7) Keep the acquired land at a minimum.
- 8) Save major concentrations of species in step 5  
above and maximize restoration and enhancement of  
habitat to ensure the long term viability of those



species.

9) Create a phasing plan with priorities for the acquisition of the habitat over time as funds become available with highest priority being the acquisition of coastal sage scrub habitat in private hands.

Adopting the following results recommended by the City Manager:

- a) Preserve all priority species; Federal and State listed, proposed and Category 1 Candidate species.
- b) Protect the habitat of as many Category 2, Habitat Indicators and State Species of Concern as possible.
- c) Provide for sufficient contiguity and configuration of preserve.

CITY MANAGER SUPPORTING INFORMATION:

On April 12, 1994, Mayor Golding recommended a preserve alternative, which was approved by the City Council with the request that language be brought back to Council describing the proposal. The following represents the Mayor's alternative, which is recommended for inclusion in a Public Review Draft MSCP Plan.

GOAL: The creation of a preserve system that is biologically viable and economically feasible through the following criteria:

- 1) Habitat acreage of 155,000 to 165,000 with a cost of \$450-650 million.
- 2) Preserving 70-80% of the biological core areas and 50-60% of the corridors.
- 3) Protecting 41 priority species and 59 total species.

PROCESS

- 1) Draw hard lines around a preserve system within the City of San Diego.
- 2) Use the biological cores and linkages map as reference.
- 3) Start with all land shown on the Public Lands Alternative Map, which includes all public and privately dedicated habitat lands and linkages.
- 4) Include all lands shown as open space in updated or existing community, general plans and proposed project plans.
- 5) Add the habitat required for the protection of all Federal and State listed species, species proposed for listing and, category 1 Candidate species.
- 6) Provide for contiguity and configuration through the application of specific sufficiency standards.
- 7) Keep the acquired land at a minimum.
- 8) Save major concentrations of species in step 5 and maximize restoration and enhancement of habitat to ensure the long term

viability of those species.

9) Create a phasing plan with priorities for the acquisition of the habitat over time as funds become available with highest priority being the acquisition of coastal sage scrub habitat in private hands.

#### RESULTS

- a) Preserve all priority species; Federal and State listed, proposed and Category 1 Candidate species.
- b) Protect the habitat of as many Category 2, Habitat Indicators and State Species of Concern as possible.
- c) Provide for sufficient contiguity and configuration of preserve.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B037-C123.)

Motion by McCarty to adopt the resolution as amended to:

- 1. Add new language: "10. Final configuration of the preserve shall be dependent upon development of a financing plan that realistically assures acquisition funding".
  - 2. Add new language: "11. Prior to final adoption the proposed preserve should be subjected to an economic analysis to determine its impact on future economic activity in the region."
  - 3. Amend No. 7 to read: "7. Keep the acquired land at a minimum to maximize restoration and enhancement of habitat within the preserve to enhance the long-term viability of those species which has been defined as priority species and a long-time functioning of the preserve. Such activities will be used to mitigate for impacts to priority species outside of the preserve and to mitigate for impacts to priority species inside of the preserve due to the location of critical public infrastructure".
  - 4. Replace No. 6 to read: "6. Contiguity and configuration are to be addressed through the preserve design resulting from the application of Steps 2 through 5. Where these issues must be addressed by means of "soft" lines it should be anticipated that 50-70% of the land will be actually designated for preserve purposes".
  - 5. Amend No. 2 to read: Use the biological cores and linkages maps adopted by the City Council in determining where the impacts will occur. This will also assist in determining where acquisition and mitigation efforts should be concentrated.
- No second.

MOTION BY WARDEN TO ADOPT THE RESOLUTION APPROVING MAYOR

GOLDING'S ALTERNATIVE FOR A PRESERVE MSCP AND ESTABLISHING A CRITERIA FOR THE CREATION OF THE PRESERVE AS AMENDED TO: 1) ACCEPT COUNCIL MEMBERS STALLINGS' AND MCCARTY'S REQUEST TO ADD THE FOLLOWING LANGUAGE: "DUE TO THE BRAC PROCESS AND A POSSIBLE CHANGE OF MISSION AT MIRAMAR IT IS RECOGNIZED THAT WE NEED TO TAKE THAT INTO ACCOUNT AND THAT WE WOULD WORK WITH THE MARINES AND THE NAVY"; AND 2) ACCEPT COUNCIL MEMBER VARGAS' REQUEST TO AMEND NO. 6 OF THE RESOLUTION TO READ: "PROVIDE FOR CONTIGUITY AND CONFIGURATION THROUGH THE APPLICATION OF SPECIFIC SUFFICIENCY STANDARDS AS APPROVED BY THE CITY COUNCIL". Second by Roberts. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-not present, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-335:

SUBJECT: Implementation of the Federal Endangered Species Act Section 4(d) Rule (Natural Communities Conservation Plan Process). Gnatcatcher interim take

(See City Manager Report P-94-074.)  
(Continued from the meeting of April 12, 1994, Item 335, at Mayor Golding's request, for further review by Council.)

TODAY'S ACTIONS ARE:

- (1) Either introduction and adoption of the Emergency Ordinance in Subitem A; or introduction of the Ordinance in Subitem B; and
- (2) Adoption of the Resolution in Subitem C:

Subitem-A: (O-94-99) NOTED AND FILED

Introduction of an Emergency Ordinance amending Chapter XI, Article 1, Division 11, of the San Diego Municipal Code, by adding Sections 111.1130, 111.1131, 111.1132, 111.1133 and 111.1134, relating to the Requirements for an Interim Habitat Loss Permit Program.

NOTE: 6 votes required for Subitem A.

Subitem-B: (O-94-100) NOTED AND FILED

Introduction of an Ordinance amending Chapter XI, Article 1, Division 11, of the San Diego Municipal Code, by adding Sections 111.1130, 111.1131, 111.1132,

111.1133 and 111.1134, relating to the Requirements for  
an Interim Habitat Loss Permit Program.

Subitem-C: (R-94-1568) CONTINUED TO MAY 10, 1994

Approving the Natural Communities Conservation Planning  
(NCCP) Program Interim Habitat Loss Permit Procedures;

Authorizing the City Manager to make minor  
administrative changes to these procedures as may be  
necessary to further the goals of the NCCP.

CITY MANAGER'S RECOMMENDATION:

Introduce and adopt the Emergency Ordinance (Subitem A) and adopt  
the Resolution (Subitem C).

ADDITIONAL BUSINESS: (O-94-102) INTRODUCED, TO BE ADOPTED  
MAY 10, 1994

During consideration of the above regular business item, the  
following ordinance was introduced.

An Ordinance amending Chapter XI, Article 1, Division  
11, of the San Diego Municipal Code, by adding Sections  
111.1130, 111.1131, 111.1132, 111.1133, 111.1134,  
111.1135 and 111.1136 establishing a procedure for  
issuance of Coastal Sage Scrub Interim Habitat Loss  
Permits.

FILE LOCATION: Subitem A & B: MEET; Subitem C: NONE;  
Additional Business: NONE

COUNCIL ACTION: Tape location: C124-D291.)

Hearing began at 5:02 p.m. and halted at 5:53 p.m.

Testimony in opposition by Jim Whalen, Rikki Alberson and  
Craig Adams.

Testimony in favor by Tom Scheffer, Rebecca Michael, Peter  
Stine and Jim Dawe.

MOTION BY McCARTY TO INTRODUCE THE TWO-STAR ORDINANCE  
O-94-102 AND BRING IT BACK FOR ADOPTION ON MAY 10, 1994.  
SUPPORT THE CITY MANAGER'S RECOMMENDATIONS EXCEPT FOR THE  
PROCESS 2A AND 2B (R-94-1568). CONTINUE THE PROCESS 2A AND  
2B TO MAY 10, 1994 SO THAT WE CAN SEE HOW IT RELATES TO THE  
ADOPTED ORDINANCE AND HAVE A CHANCE TO REVIEW THE PROCESS.

ACCEPT COUNCIL MEMBER VARGAS' REQUEST TO CHANGE "PALON PLAZA" TO "PALM PLAZA" UNDER PERMIT NO. 5 ON PAGE 8 OF THE ORDINANCE. Second by Warden. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-not present, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 6:23 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: E126.)